

LAW OFFICES OF  
**NICHOLSON, SRETER & GILGUN, P.C.**  
33 BEDFORD STREET, SUITE 4  
LEXINGTON, MASSACHUSETTS 02420  
(781) 861-9160

**ALBERT J. SRETER\***  
asreter@nsglawyers.com  
**FREDERICK V. GILGUN, JR.\*\***  
fgilgun@nsglawyers.com  
**DEAN E. NICHOLSON**  
(5/29/14-8/12/14)

OF COUNSEL  
**EDMUND C. GRANT**  
edgrant@nsglawyers.com

\*Admitted in MA and NH

\*\*Admitted in MA and NY

19 December, 2018

Planning Board  
Town of Lexington  
1625 Massachusetts Avenue  
Lexington MA 02420

RE: 186 BEDFORD STREET, LEXINGTON

Dear Board Members:

This letter is filed in support of the Preliminary Site Development and Use Plan (PSDUP), on behalf of 186 Bedford Street, LLC, Petitioner, for a rezoning of the above property.

Petitioner is the Ciampa family, including Philip, the father, and his sons, Joe and Tony. The Ciampa family business, the Philip Ciampa Salon, was established in Lexington in the 1970s and is located across the street at 189 Bedford Street. The Ciampas also own 185 Bedford Street, adjacent to 189. The Ciampas propose to move their business across the street to 186 Bedford Street as part of a mixed use development that would preserve most of the two existing buildings.

As shown on the attached blue and red color-coded overview rendering, 186 Bedford Street is uniquely located in a mixed-use commercial and residential neighborhood next to the strip mall in which Alexander's Pizza is a tenant. The strip mall is located in a commercial CN Neighborhood Business zone, as are the Ciampa properties across Bedford Street at 185 and 189. Across from Alexander's are commercial CLO office condos, the Knights of Columbus hall/building of various uses, and the former Liberty Mutual building property now owned by the Town of Lexington (Town) for temporary use of the Fire and Police departments.

186 Bedford Street adjoins Vaille Avenue to the side and is in a Residential RS zone with Reed Street to the rear. The proposed planned development requires Town Meeting approval of the rezoning of 186 Bedford Street from RS to Planned Development PD.

PREVIOUS MEETINGS AND PROPOSAL MODIFICATIONS

The Petitioner began discussion with the Economic Development Officer in October 2017. We met with Planning Director Aaron Henry on October 23. The general take-away from that meeting was that a two-lot residential subdivision as of right would not be a good result, given the possible opportunity of a modernized, planned extension of the adjacent commercial zone; the CN, CRS, and CS zones, adopted 30 years before, were becoming obsolete; and not to propose something that would generate more school-aged children.

The next meeting, on November 20, was intended to familiarize the Town Manager and staff with an actual proposal. The first proposal included a mixed-use development of a new 3,700 ft, 3-story building with 6,000 sf of commercial space on the first floor, 26 one-bedroom and 4 two-bedroom apartments on the second and third floors, while preserving the historic accessory barn for office use; and an underground parking garage. The Town Manager had requested this meeting preliminary to a "plus one" meeting with one or two members of the Board of Selectmen and Planning Board.

The plus one meeting occurred December 21 with Selectmen Lucente and Kelly, and Board Member Corcoren-Roncetti, the Town Manager, Assistant Town Manager Carol Kowalski, and Planning Staff. Favorable comments were that this could be a logical extension of the adjacent CN, which was also across the street, perhaps serving as a modernized commercial upgrade of mixed use; the residential one-bedroom use could provide needed options for seniors selling and downsizing or for young people to stay in Town. Neighborhood meetings were encouraged.

Petitioner held neighborhood meetings on February 12, 2018 at the Knights of Columbus and at Town Hall on February 28 following the Town's neighborhood meeting for the Fire Department use of the Liberty Mutual building. We met very briefly with the Board following the February 28 meeting. The Board asked we meet with the neighborhood again. The neighborhood had objected to the scale of the new building and the density of development.

Petitioner was delayed in proceeding until it was able to purchase 186 Bedford Street in September from the Eliot Community Mental Health, formerly Mystic Valley Mental Health (Mystic Valley). On November 1, Petitioner held another neighborhood meeting, modifying its proposal by: reducing residential

from 30 to 26 one-bedroom units and eliminating the 4 two-bedroom units entirely; eliminating underground parking and reducing site parking from 70 to 56 spaces; and reducing length of building by 30 feet. Neighborhood sentiment focused on residential density being too high and suggesting more commercial, less residential, use that would better balance a concern over 24/7 activity.

Following the November 1 meeting, Petitioner made significant modifications to the proposal in a Sketch Plan submittal. The new building was reduced from three floors to two floors. Residential one-bedroom apartments were reduced from 26 to 16, all on the second floor, consisting of 13,000 GSF; the first floor, all commercial, consisting of 14,200 SF plus access/egress stairs and corridors. The revised building had a total GSF of 30,500±, smaller in height than the existing building which has 2½ stories compared to the 2 stories proposed. Parking was reduced to 51 spaces. Petitioners intended to preserve the historic accessory barn for its office use of 1,500 SF.

At the Board's meeting November 28 on the Sketch Plan, the Board voted unanimously that mixed-use, residential and commercial is appropriate for this site. The majority of the Board members felt density and design were not appropriate as proposed. Positive comments included that the property is larger than most commercial lots in the area and that Bedford Street has good transportation (MBTA bus, Lexpress, Bikeway) services and some amenities such as Alexander's Pizza; Ciampa Salon; and My Cleaners.

Board member recommendations, suggestions included, among others, reducing density, not re-paving Vaille Avenue, historically preserving the main building as well as the accessory barn structure. It appeared important to at least two members to preserve the main building to the extent feasible, which could also help preserve the existing setbacks, mature trees and the "village feel" that benefits the neighborhood.

#### HISTORIC PRESERVATION

Both the main house building and the accessory barn are on the Town's Cultural Resources Inventory under the jurisdiction of the Lexington Historical Commission (LHC).

Upon further structural and other analysis of the main house building built around 1874, Petitioner intends to preserve it, except for the wing addition which was built around 1969. The addition is dysfunctional and awkward in

appearance and condition. Petitioner intends a new addition to replace the wing that would architecturally complement the character of the original building. Petitioner has applied for an LHC determination regarding this preservation of most of the existing house and barn, which is scheduled for public on Wednesday, December 19.

Petitioner is preparing its PSDUP based on its intention to so preserve. Given that the deadline for filing the rezoning petition/PSDUP to place on the Annual Town Meeting Warrant is December 20, and that it won't have the LHC's written determination by December 20, Petitioner's plans may need revising after January 1. Petitioner understands that the Board's public hearing in 2019 will be based only on the PSDUP filed December 20. In any case, Petitioner has the right to amend its PSDUP after the public hearing. Petitioner specifically qualifies for historic preservation eligibility *per* Section 6.2.2.3 with inclusion of both property structures on the LHC Comprehensive Cultural Resources Survey.

Pursuant to Section 6.2.6.2, the Special Permit Granting Authority (SPGA), which would be the Board on Site Plan Review following Town Meeting approval, has broad authority to further preservation objectives by modifying dimensional standards relating to front, side and rear setbacks, maximum percentage of site coverage and height; the dimensional controls of Section 4.0; off-street parking and loading of 5.1; and landscaping, transition and screening of 5.3. While Petitioner is making a concerted and good faith effort to adhere to zoning bylaw provisions to the extent feasible in preparing its PSDUP text, despite there being no predetermined standards, Petitioner requests the Board review the PSDUP in the spirit of those flexible standards associated with historic preservation as applied to Petitioner's proposal.

#### REVISED PROPOSAL

Following the Sketch Plan meeting, Petitioner's proposal has been further revised. The residential component has been reduced from 16 to 13 one-bedroom apartments, all on the second floor and attic levels of the main house and proposed building addition, ranging in size from 500 to 785 SQUARE FEET. Board members had recommended 20-25% affordable; Petitioner is proposing 3 affordable apartments, or 23%.

The commercial component of the main building is all on the ground floor, consisting of 8340 gsf, with the remaining 1,018 gsf of ground floor area

dedicated to lobbies, stairs, and elevators for access to the second floor residential units. Petitioner intends to use the accessory barn for its Salon offices, consisting of 1,500 SF. The height of the proposed addition is intended to match the physical height of the existing building leaving the combined height of the buildings the same. The existing wing/addition to be removed is within the proposed addition footprint.

#### REASONS FOR REZONING

The Board's Zoning Regulations (Regs) Section 8.6 require reasons justifying the rezoning and why it is appropriate for the area.

As shown on the attached blue and red color overview rendering discussed at the beginning of this letter, 186 Bedford Street is uniquely located primarily in a commercial and institutional area. One adjacent side is zoned CN Neighborhood Business and across the street is CN, CLO Commercial Office and the Town's municipal use of the Liberty Mutual building. Although 186 Bedford Street is zoned RS, it has had institutional use for sixty years.

Comparison may be made to the Inn at Hastings Park at Massachusetts Avenue and Worthen Road which rezoned residential RS property to a planned development district that preserved, renovated and added to the institutional historic; Dana Home structures. Although the Inn property faced a residential neighborhood, it was proximate to First Parish Church, Grace Chapel, Hastings Park, Hayden Recreation Center and the Town Swimming Pool and Center Playing Fields, clearly a mixed and varied use setting.

In general, as has been noted above, reasons for rezoning may be found in the opportunity to expand the commercial node adjacent to and across the street from the property, with a modest, modern planned, mixed-use development as compared to the existing obsolescence of CN, CRS, CS zones adopted 30 years ago; the opportunity to address Comprehensive Plan goals of increased commercial revenue, mixed-use, providing housing options for seniors and younger people; historic preservation of structures and setting; which are also discussed in detail below.

#### COMPARISON WITH DEVELOPMENT PERMITTED IN THE EXISTING RS DISTRICT

The property could be subdivided with sufficient frontage and lot size for three residential house lots, using frontage on Bedford and Reed Streets and

Vaille Avenue, see Proof Plan, that would likely involve demolition of both historic structures and replacement with larger and taller houses than the existing structures, resulting in additional school-aged children for the already impacted Lexington schools.

It is important to note the uses the property has as of right in this existing RS District. In 1958, Mystic Valley was a non-profit educational and charitable organization who then received a Town zoning permit for use as its headquarters and operation of a community mental health clinic. In 1968 Mystic Valley obtained a Town zoning permit for additional office space to be used by 38 people. In 1971 it obtained a zoning permit to renovate the barn for use as conference rooms for staff and group therapy sessions.

Notably, such permits for a non-profit educational corporation are no longer required. State law now exempts that and other uses from local zoning; and these exemptions have been adopted and incorporated into Lexington's Zoning Bylaw in Use Table Section B, Institutional Uses B.1.01, 02, 03 which include uses for non-profit educational corporations, childcare centers, and uses for religious purposes, and which are as of right and may not be prohibited.

As to Regs Section 17 and 18, an analysis of Town fiscal considerations and revenue enhancement is provided in the PSDUP filing herein. New real estate tax revenue for this proposal is estimated at \$91,500 which is clear public benefit compared to no tax revenue received on this property for many years. Regarding other permits, there are no Wetlands that would require an Order of Conditions from the Conservation Commission.

#### COMPLIANCE WITH THE TOWN COMPREHENSIVE PLAN POLICY AND OTHER POLICIES

The Lexington Housing Production Plan — "Affordable Housing: Goals and Strategies," dated March 2014, citing the Lexington 20/20 Vision and the Comprehensive Plan, recommends housing options to promote diversity of income and age, including zoning bylaw changes and incentives for smaller scale housing that appeal to seniors and smaller households alike, with close proximity to Town services and public transportation; that "more rental units in Lexington" could provide more affordable options for young professionals as they enter the workforce, as well as older residents looking to remain in Town in more modest housing. The proposal of 13 one-bedroom apartments, including 3 affordable units, ranging in size from 500 to 785 sf, specifically addresses the

above stated; as does the property's location, uniquely suited to main thoroughfare transportation services and nearby neighborhood amenities.

The proposal relates to several of the Implementing Actions of the Comprehensive Plan's HOUSING ELEMENT:

- explore allowing housing in most or all commercial districts (reconsidering the once prevailing view that residences and neighborhoods cannot make good neighbors, and that a mix of activities may benefit all parties)
- provide incentives for small scale housing serving a salient housing need that would have relatively light impact on the Town's fiscal capacity, traffic and infrastructure
- facilitate conversion of existing non-residential structures to residential as compatible re-use to the existing neighborhood fabric

The Natural and Cultural Resources Element of the Comprehensive Plan discusses "strengthening Zoning's preservation incentives" for preservation of existing structures in Zoning Bylaw Section 6.2 which Petitioner has expressly adopted as an integral part of its proposal.

The Economic Development Element cites as a goal defining and bolstering local service opportunities to avoid residents having to go to other communities; and efforts should importantly include support for businesses already in Lexington since they are part of the community, such as the Philip Chiampa Salon, here since the 1970s.

The Board of Selectmen/Planning Board Economic Development Summit of 2017 noted the loss of retail establishments from 86 to 65 during the years 2002 - 2012.

Implementing Actions for Economic Development state "mixed-use" as an old idea having new currency whether mixed within a building, within a site, within contiguous sites or within a district; and encourage Zoning review to identify impediments to mixed use. There is recommendation to modernize CN District regulations for neighborhood stores which provide mix by being near

the residents they serve and often near the residences of their staff; or perhaps revising the zoning map to create new CN or similar districts.

This planned development proposal for 186 Bedford Street in essence is a logical extension of the CN District beside it and across the street from it. The PSDUP uses included most of the uses permitted in the Zoning Bylaw for the CN District. The planned development complies significantly with the Comprehensive Plan Implementing Actions for its various Elements as above.

Thank you for your time and consideration. We look forward to meeting with you in 2019.

Very truly yours,



Edmund C. Grant

ECG/lsg

Enc.

cc: Philip Ciampa  
Joseph Ciampa  
Tony Ciampa



BLUE = COMMERCIAL ZONES  
RED = RESIDENTIAL ZONE

